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10/616,124	07/08/2003	Marvin T. Ling	GTX-005	2215

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EXAMINER

COLBERT, ELLA

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/616,124	MARVIN T. LING	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ella Colbert	3624	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 12-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Claims 1-24 are pending. Claims 12-24 have been withdrawn and Group I, claims 1-11 have been elected with traverse in response to the Election/Restriction Requirement filed 07/05/05. This communication filed 11/18/05 is in Response to the Miscellaneous Action of 11/07/05.

#### ***Response to Arguments***

2. Applicant's election with traverse of Group I, claims 1-11 in the reply filed on 07/08/05 is acknowledged. The traversal is on the ground(s) that a search for art related to the elected Group would necessarily include the classes and subclasses relevant to a search for the non-elected Group. This is not found persuasive because in Group I has the establishment of a primary account with the service provider and using a sub-account for purchases and Group II has a website where a vendor can register to sell goods and services to a registered user of the service provider and where each user can identify items to purchase. Group I and Group II have separate utility by themselves. The requirement is still deemed proper and is therefore made FINAL.

#### ***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "14" in Figure 1 has been used to designate both "Vendor Computer(s)" and "Shipping Company computer(s)". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if

only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. The Specification is objected to because Figure 3 does not mention element "35" and Figure 4 does not have element "46" mentioned. Figure 6 in the Specification references "service provider" and in the drawing figure "MSP" is referenced for elements "63, 64, 67, 70, 73, and 76". In the Specification these elements when first referenced should read "Service Provider (MSP)". The following steps shown in the drawing figure 6 are not mentioned in the Specification: "65, 69, 71, 72, 73(a), 73(b), and 75". Figure 7 has a similar problem with steps "85, 89, 91, 92, 97, 97(a), 97(b), and 99". Figure 8 has steps "145, 146, 147, 154, and 163" missing. Pages 8, 12, and 15 need to be resubmitted because the text is at an angle on the page and the font is a different size. Apparently, this occurred during scanning into the computer system. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

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regards as the invention. It is unclear and vague what Applicant means by "transaction-specific basis". Does Applicant mean when a certain transaction is made the user of the primary account receives a notification? Applicant is respectfully requested to clarify this limitation in the claim language.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,473,740) Cockrill et al, hereafter Cockrill.

As per claim 1, Cockrill teaches, A system for facilitating electronic commerce among users, a service provider and vendors, wherein each user has established a primary account with the service provider, the system comprising: a plurality of vendor computers (220-merchant computers), each vendor computer programmed to provide a website (240) at which a user (210) at a user device may purchase goods or services (col. 4, lines 10-31 and Figure 2); a service provider computer (figure 3 (340)) at which the user has established a primary account, the service provider computer programmed to permit the user to establish a sub-account under the primary account, wherein the user may specify a subset of the plurality of vendor computers from which purchases may be made using the sub-account (col. 4, lines 40-56, col. 5, lines 12-25, and Figure

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3); and a communications network enabling the user device to communicate with the plurality of vendor computers (col. 7, lines 22-42 and col. 9, lines 22-54). Cockrill did not expressly disclose "vendor computers" and a "service provider". However, Cockrill's "merchant computers" are analogous to "vendor computers". It would have been obvious to one having ordinary skill in the art at the time of the invention to have service providers in view of Cockrill's teaching of "merchant computers" and "user computers" and making purchasing transactions over a website and because such a modification would allow Cockrill to have a service provided over the website and to establish a first account and a sub-account.

As per claim 2, Cockrill did not expressly disclose, The system of claim 1 wherein the service provider computer is programmed to permit the user of the primary account to transfer funds to the sub-account from the primary account, a credit card or a bank transfer. It is old and well known in the art of accounts to transfer funds from one account to another when a person has more than one account. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the service provider computer programmed to permit the user of the primary account to transfer funds to the sub-account from the primary account, a credit card or a bank transfer and because such a modification would allow Cockrill to be able to replenish the account that is low on funds.

As per claim 3, Cockrill teaches, The system of claim 1 wherein the service provider computer is programmed to permit the user to specify a plurality of authorized users for the sub-account (col. 18, lines 20-39).

9. Claims 4-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,473,740) Cockrill et al, hereafter Cockrill in view of (US 2003/0097331) Cohen claims priority to application 09/280,483 filed March 30, 1999 now patent no. 6,422,902).

As per claim 4. Cockrill failed to teach, The system of claim 1 wherein the service provider computer is programmed to permit the user to specify a spending limit for the sub-account. Cohen teaches, The system of claim 1 wherein the service provider computer is programmed to permit the user to specify a spending limit for the sub-account (page 16, col. 2 [0201]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to permit the user to specify a spending limit for the sub-account and to modify in Cockrill because such a modification would allow Cockrill to have a spending limit and if the person tries to use the card to charge anything in excess of the authorized limit the charge will be declined.

As per claim 5, Cockrill failed to teach, The system of claim 1 wherein the service provider computer is programmed to permit the user to authorize the sub-account to establish a further sub-account subordinate to the sub-account. Cohen teaches, The system of claim 1 wherein the service provider computer is programmed to permit the user to authorize the sub-account to establish a further sub-account subordinate to the sub-account (page 16, col. 2 [0202] –page 17, col. 1, line 14). It would have been obvious to one having ordinary skill in the art at the time the invention was made to permit the user to authorize the sub-account to establish a further sub-account subordinate to the sub-account and to modify in Cockrill because such a modification

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would allow Cockrill to have another account with a specified limit such as a \$100 limit and a specified use of the account.

As per claim 6, Cockrill failed to teach, The system of claim 1 wherein the service provider computer programmed to permit the user to authorize the sub-account to independently add funds. Cohen teaches, The system of claim 1 wherein the service provider computer programmed to permit the user to authorize the sub-account to independently add funds (page 8, col. 2 [0106] –page 9, col. 1, line 5). It would have been obvious to one having ordinary skill in the art at the time the invention was made to permit the user to authorize the sub-account to independently add funds and to modify in Cockrill because such a modification would allow Cockrill to have the ability to designate who can add funds and transfer funds to the sub-account.

As per claim 7, Cockrill failed to teach, The system of claim 1 wherein the service provider computer is programmed to permit a user of the sub-account to modify secured information of the sub-account. Cohen teaches, wherein the service provider computer is programmed to permit a user of the sub-account to modify secured information of the sub-account (page 15, col. 2 [0193]–[0194]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to permit a user of the sub-account to modify secured information of the sub-account and to modify in Cockrill because such a modification would allow Cockrill to have a sub-account that has its own public and private key associated therewith when the user desires to modify the secured information of the account.



As per claim 8, Cockrill and Cohen did not expressly disclose, the system of claim 1 wherein the service provider computer is programmed to permit the user to configure the sub-account to automatically add funds to the sub-account during a transaction if a balance of the sub-account falls below a minimum balance. It would have been obvious to one having ordinary skill in the art at the time the invention was made to permit the user to configure the sub-account to automatically add funds to the sub-account during a transaction if a balance of the sub-account falls below a minimum balance and to modify in Cockrill and Cohen's systems because such a modification would allow their systems to have the ability to add funds for the second party to withdraw when under ready or under certain conditions. Accounts are usually replenished when the minimum balance falls below a certain amount.

As per claim 9, Cockrill failed to teach, The system of claim 1 wherein the service provider computer is programmed to send a notification to the user of the primary account on a periodic basis, wherein the notification lists transactions of the sub-account. Cohen teaches, The system of claim 1 wherein the service provider computer is programmed to send a notification to the user of the primary account on a periodic basis, wherein the notification lists transactions of the sub-account (page 18, col. 1 [0217] –col. 2, line 10). It would have been obvious to one having ordinary skill in the art at the time the invention was made to send a notification to the user of the primary account on a periodic basis, wherein the notification lists transactions of the sub-account and to modify in Cockrill because such a modification would allow Cockrill's system to have a single transaction broken up among a series of accounts (cards) if

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desired with the transaction statement indicating the amounts with the main account holder setting up the card to be capable of some fixed total amount of charges.

As per claim 10, Cockrill teaches, The system of claim 1 wherein the service provider computer is programmed to send a notification to the user of the primary account on a transaction-specific basis (col. 7, lines 43-67).

As per claim 11, Cockrill and Cohen did not expressly disclose, The system of claim 1 wherein the service provider computer is programmed to send a notification to the user of the primary account, the notification including a link that the user may activate to lock the sub-account. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to send a notification to the user of the primary account, the notification including a link that the user may activate to lock the sub-account and to modify in Cockrill and Cohen's systems because such a modification would allow Cockrill and Cohen to have the ability to require certain information when the account is being used and to be denied access to the account when the account is low by locking the account.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dorrough et al (US 5,287,269) disclosed encoded access cards, subaccounts, and available types of credit.

Musmanno et al (US 5,826,243) disclosed a master account with one or more subaccount(s).


Ganesan, Ravi (2,305,233) disclosed cashless transactions without the use of credit cards, debit cards, or checks.

### **Inquiries**

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Tuesday-Thursday, 6:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
E. Colbert  
Primary Examiner  
February 1, 2006